

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY GEORGE DENNY,

Defendant.

CR-18-24-GF-BMM

ORDER

Defendant Gregory George Denny's (Denny) Motion for Issuance of Subpoena Duces Tecum Pursuant to Fed R. Crim P. Rule 17 (Doc 36) is now before the Court.

Mr. Denny seeks a limited number of documents from the Crystal Inn Hotel & Suites (the "Crystal Inn"), located at 3701 31st Street Southwest, Great Falls, MT, to wit:

- Any and all documents, notes, timecards, time slips, reports, materials or other records demonstrating which employees were working at the Crystal Inn on dates of January 19th, 20th and 21st, 2018, including their names, contact information, and whether or not they are still employed at the Crystal Inn;

- Any and all documents, receipts, video footage, photographs, notes, reports, records, cleaning schedules, or other tangible items, including electronically stored information, related to Rooms 102 and 128 at the Crystal Inn on January 19th, 20th and 21st, 2018.

The documents to be subpoenaed are (1) evidentiary and relevant; (2) they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) Denny cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) Denny's application is made in good faith and is not intended as a general "fishing expedition." *United States v. Krane*, 625 F.3d 568, 574 (9th Cir. 2010) (citing *United States v. Nixon*, 418 U.S. 683, 699-700, 94 S. Ct. 3090, 41 L. Ed. 2d 1039 (1974)).

IT IS HEREBY ORDERED that Defendant's Motion for Issuance of Subpoena Duces Tecum Pursuant to Fed R. Crim P. Rule 17 (Doc. 36) is **GRANTED**. The Clerk of Court is directed to issue the Subpoena Duces Tecum and return to counsel for Denny for service.

DATED this 19th day of June, 2019.



Brian Morris
United States District Court Judge